

REMARKS

Applicants' attorney wishes to cordially thank the Examiner for indication of the allowable subject matter with respect to claims 1-23, but for the informalities associated therewith and the opportunity to discuss the same with the Examiner via teleconference on Monday, November 17, 2003.

The drawings stand objected to under 37 CFR 1.83(a). The specification and drawings have been amended to describe and show the elements of first and second contacts and the rotary contact arm with respect to Figure 4 as specified in the claims, as discussed with the Examiner. No new matter has been added.

Claims 1-23 stand objected to as the Examiner objects to the alleged inconsistent use of the words "the" and "said". More specifically, the Examiner states that "[t]he word [--the--] should be used for the first recitation of a component or the like and the word --said--should be used for the subsequent recitation of the component or the like in the claims." Applicants respectfully traverse.

It is respectfully suggested that the word --a--or --an--should be used for the first recitation of a component or the like and use of --the-- would be improper. *Abtox, Inc. v. Exitron Corp.*, 43 U.S.P.Q.2d (BNA) 1545, 1548 (Fed. Cir. 1997), *modified, on other grounds*, 46 U.S.P.Q.2d (BNA) 1735 (Fed. Cir. 1997). See also § 23 Landis On Mechanics of Patent Claim Drafting. Further, § 23 of Landis states that "[i]f 'saids' and 'thes' are used, one should be consistent in the usage and not alternate between those words in repetitions of the same element or among different elements. (However, one often sees alteration between 'said' and 'the' within a claim without any apparent reason, and there is usually no objection as to this form by an Examiner at the Patent Office.) One common style is to use 'said' only for the elements themselves, and 'the' for everything else. [i.e., elements introduced in the preamble]" as is the case here and discussed with the Examiner via teleconference. Inconsistent use of "the" and "said" in the claims delineates elements introduced in the preamble by subsequent recitation and introduction with "the" instead of "said" introducing positively claimed elements.

Accordingly, it is respectfully requested that the objection to claims 1-23 be withdrawn.

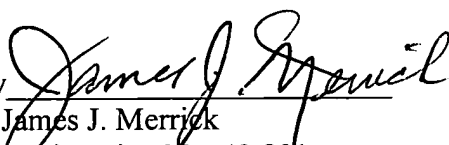
In view of the above-presented amendments and accompanying remarks, it is respectfully submitted that all of the pending claims, Claims 1-23 are patentable over the prior art and allowance is respectfully requested.

If, however, any issues remain, the Examiner is cordially invited to contact the undersigned so that such issues may be promptly resolved.

If there are additional charges with respect to this matter or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully Submitted,

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FIG. 1

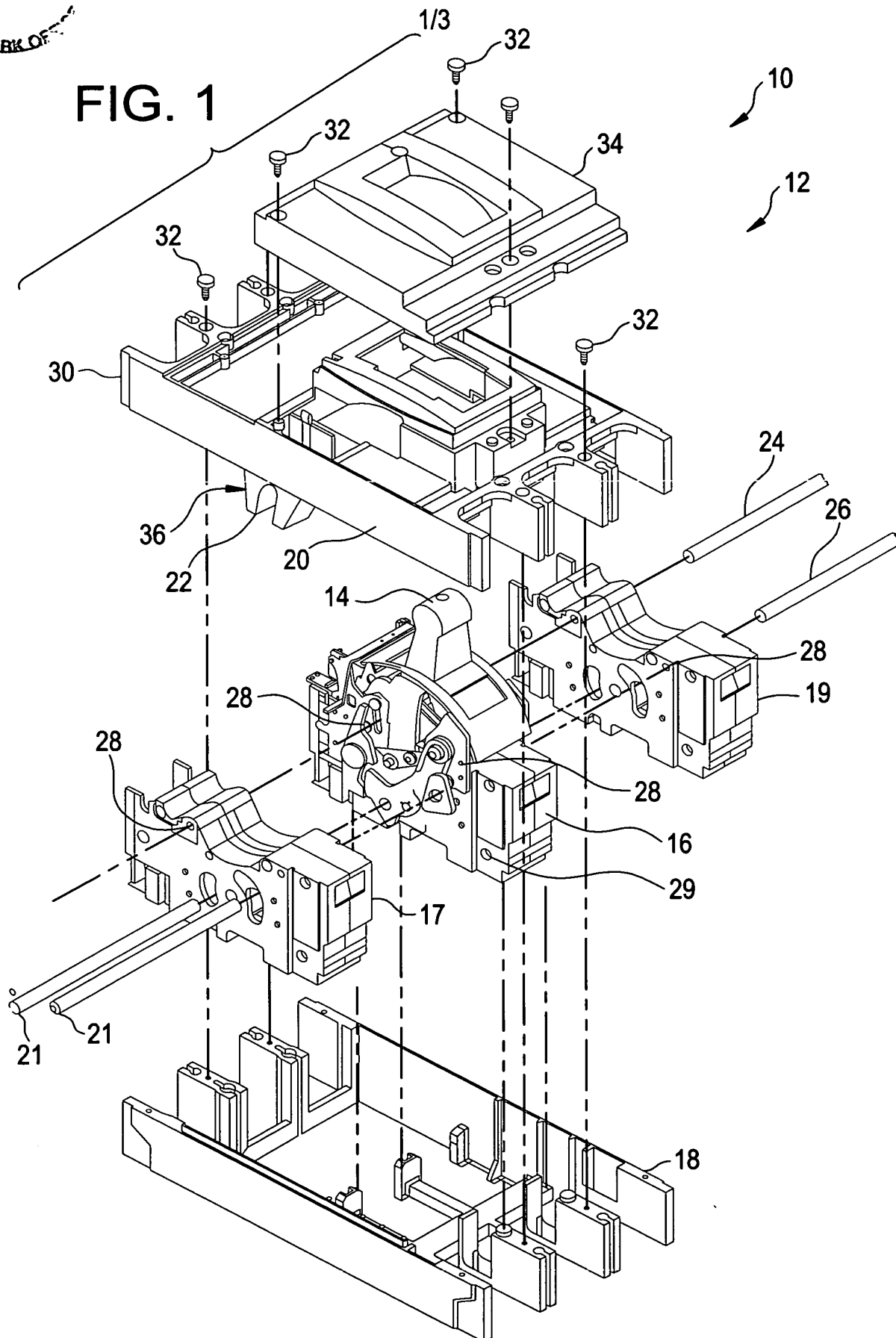


FIG. 2

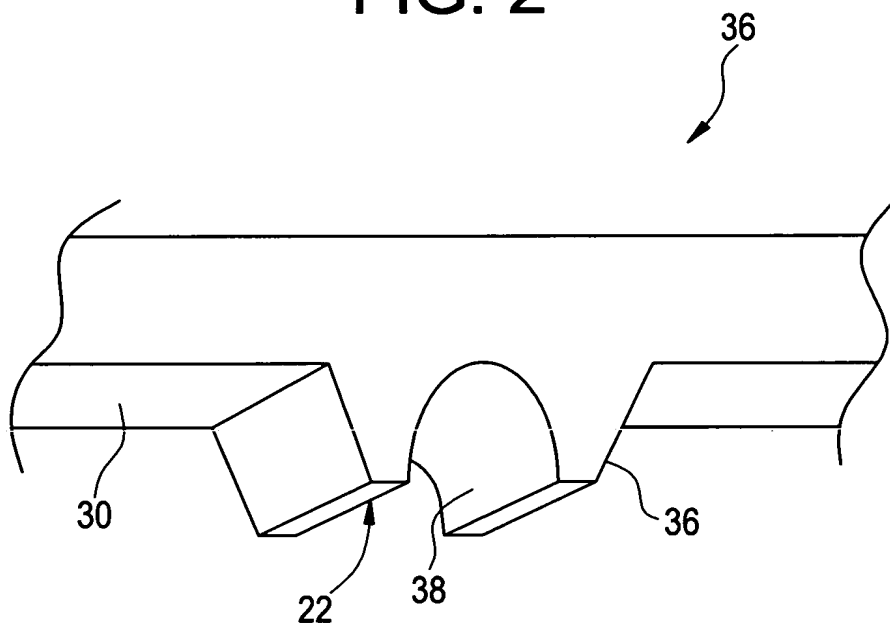


FIG. 3

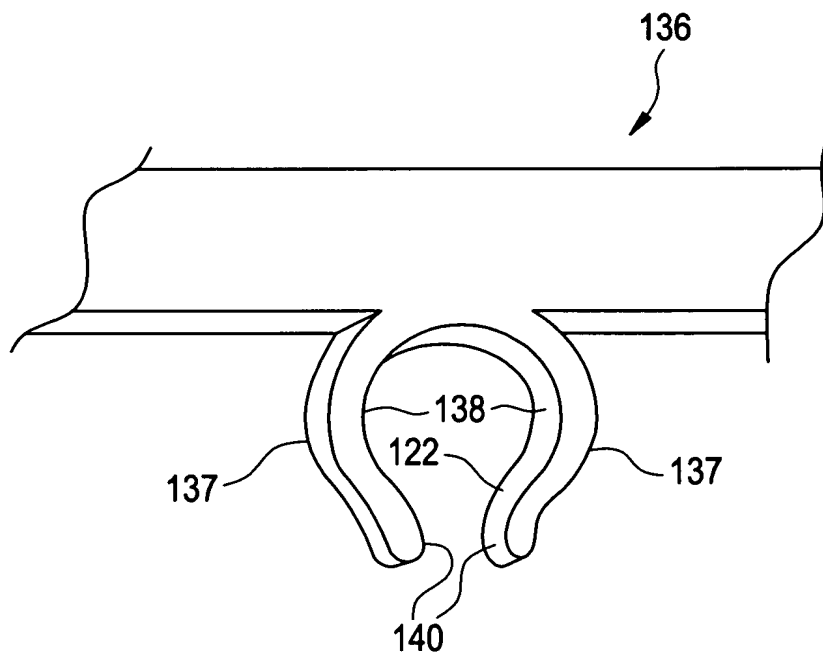




FIG. 4

